

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

August 19, 2002

**RESPONSIBLE STAFF:**

Patricia Patula, Planner

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
x	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	4-17-2002
	4-24-2002
Hearing Date	5- 6- 2002
Record Held Open	
Policy Discussion	8-19-2002

**TITLE: SDP-02-002**

**Policy Discussion** for Maryland Carpet and Tile, to build a 4,489 square foot building at 305 North Frederick Avenue

**SUPPORTING BACKGROUND:**

The joint public hearing was held on May 6, 2002. The Planning Commission held their review on June 5, 2002 and voted to recommend to the City Council APPROVAL of SDP-02-002, Maryland Carpet and Tile, with conditions (Exhibit 34).

All exhibits received since the public hearing are attached. Note in particular Exhibit 27 (the results of the requested community meeting held by Maryland Carpet and Tile), Exhibit 37(a letter from SHA revising their opinion of the egress/ingress from Route 355), and Exhibit 39 (the recommendation from DPWPME re storm water.) These exhibits address the Council's concerns expressed at the public hearing. Included also are the site plan and elevations from the May 6 public hearing.

Staff will provide a brief summary of the status of the plan. Prior to making the decision, the Council will need to close its record. An excerpt from the CD Zone listing the findings required by the Council is included for your reference (Exhibit 40).

Per the CD Zone requirements, the decision of the City Council shall be in the form of a written opinion and resolution. If approved as an SDP, this plan (equating to a concept/preliminary plan) will return to the Planning Commission for final site plan review as outlined in the CD Zone Section 24-16-G.6.

**DESIRED OUTCOME:**

**Close the record. Provide guidance to staff for the preparation of a resolution for either approval or denial.**

Joint Public Hearing: May 6, 2002

**INDEX OF MEMORANDA**  
**SDP-02-002**  
**Concept Plan for 305 North Frederick Avenue**  
**Maryland Carpet and Tile**

May 6, 2002

<b>Number</b>	<b>Exhibit</b>
1	Application
2	Location Map
3	Site Plan
4	Site Plan Tabulation Details
5	Front Elevation (faces Route 355)
6	Left Side Elevation (faces north and driveway)
7	Right Side Elevation (faces Duron)
8	Rear Elevation (faces alley and residential area)
9	First Floor Plan
10	Basement Plan
11	Excerpt from Frederick Avenue Corridor Master Plan; overall plan
12	Excerpt from Frederick Avenue Corridor Master Plan, Urban regulations
13	Excerpt from Frederick Avenue Historical Study
14	Memo from Historic Preservation Advisory Committee
15	Minutes of HPAC meeting of July 1, 1999
16	Minutes of HPAC meeting of August 5, 1999
17	Excerpt from City Code on the CD Zone and Schematic Development Plan
18	Letter from State Highway Administration Dated April 25, 2002
19	Tax Assessment Information
20	Legal Ad giving notice of public hearing
21	Notice of Joint Public Hearing mailed to required parties
22	By Reference: Frederick Avenue Corridor Master Plan
23	By Reference: Special Study Frederick Avenue Corridor Land Use Plan
24	By Reference: Zoning Ordinance, CD Zone, Division 22. Section 24-160G.
25	Resolution R-114-01 Denial of Concept Plan CSP-01-001
26	Certified legal ad
27	Letter from J. M. A. Associates dated May 22, 2002 re community meeting
28	Minutes of May 6, 2002 joint public hearing
29	Letter from Bazikian to SHA dated May 23, 2002
30	Excerpt from Frederick Avenue Corridor Plan Page 46

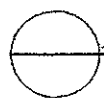
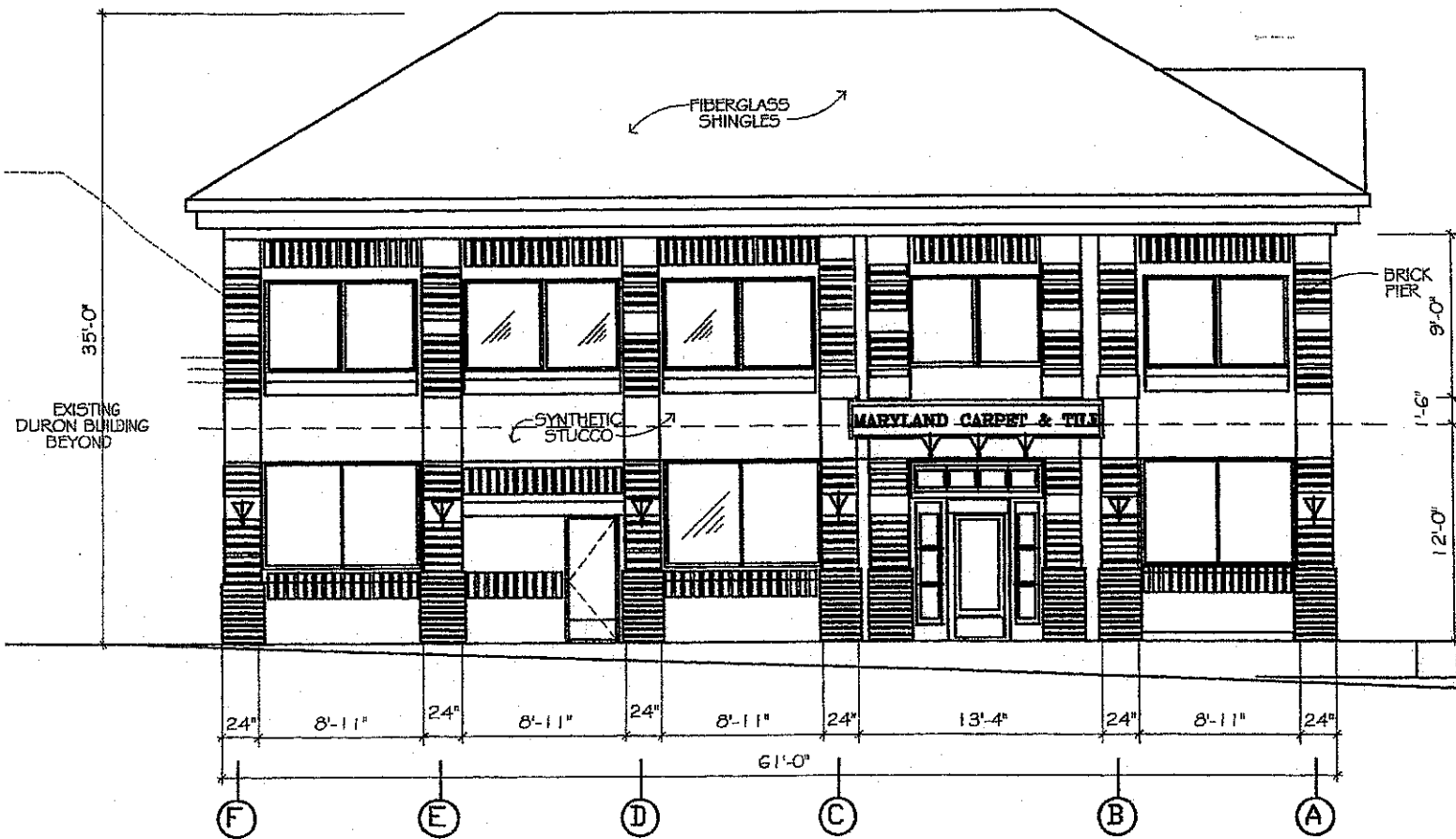
- 31 Transcript of joint public hearing
- 32 Staff Comments for Planning Commission meeting of June 5, 2002
- 33 Minutes of Planning Commission meeting of June 5, 2002
- 34 Planning Commission's recommendation to City Council
- 35 Letter from Ms. Patula to Shahin Batmanglich dated July 9, 2002
- 36 Letter from Rafik Bazikian to Ms. Patula dated July 30, 2002
- 37 Letter from State Highway Administration revised August 1, 2002  
regarding access off Route 355
- 38 Letter from staff person Don Boswell (DPW) to Rafik Bazikian  
dated August 2, 2002 re storm water management
- 39 Memo to Ms. Patula from Don Boswell dated August 10, 2002 re  
storm water management recommendations
- 40 Excerpt from CD Zone referencing required findings by the City  
Council for approval





FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

FACES ROUTE 355

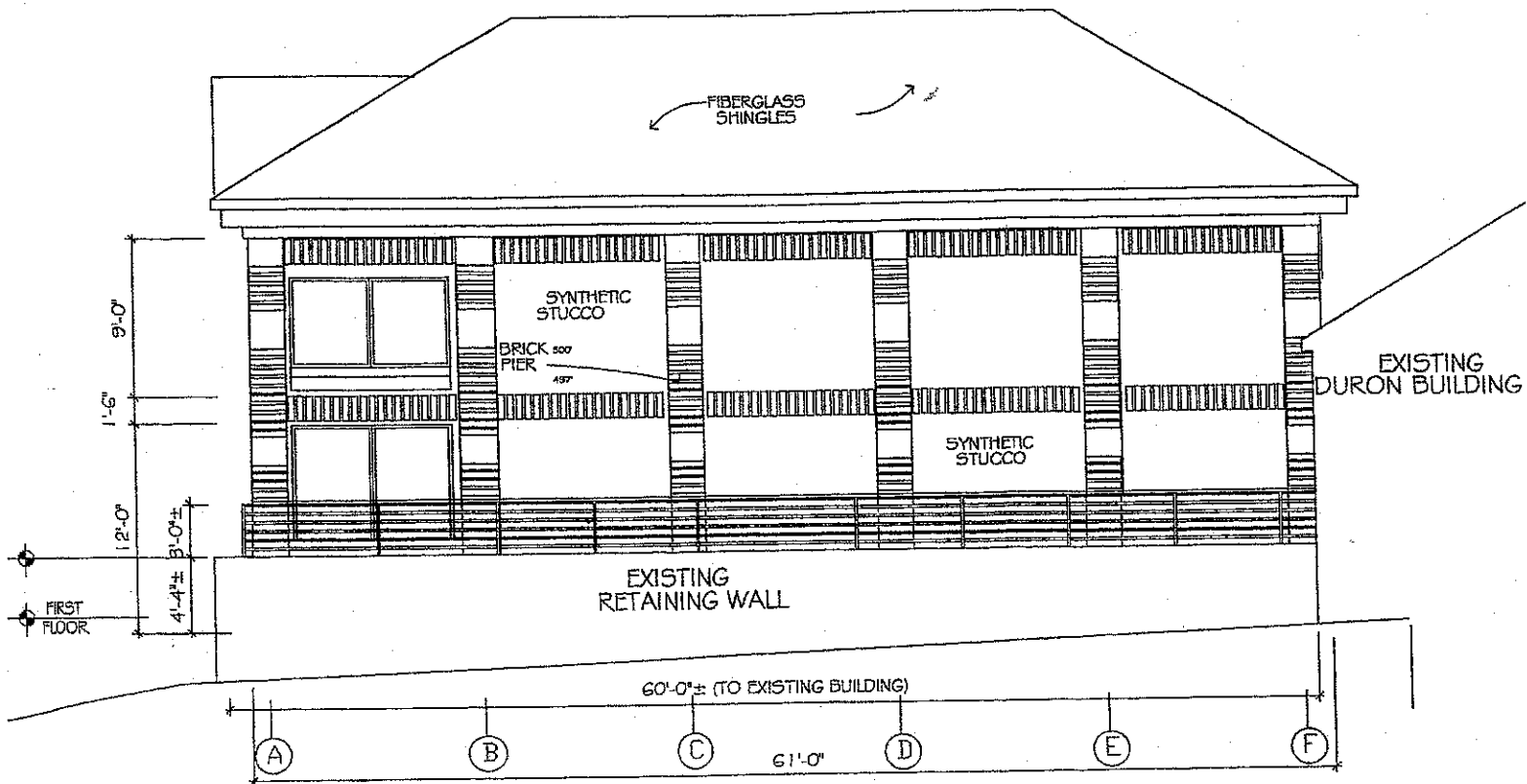


LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

FACES NORTH AND DRIVEWAY

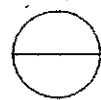
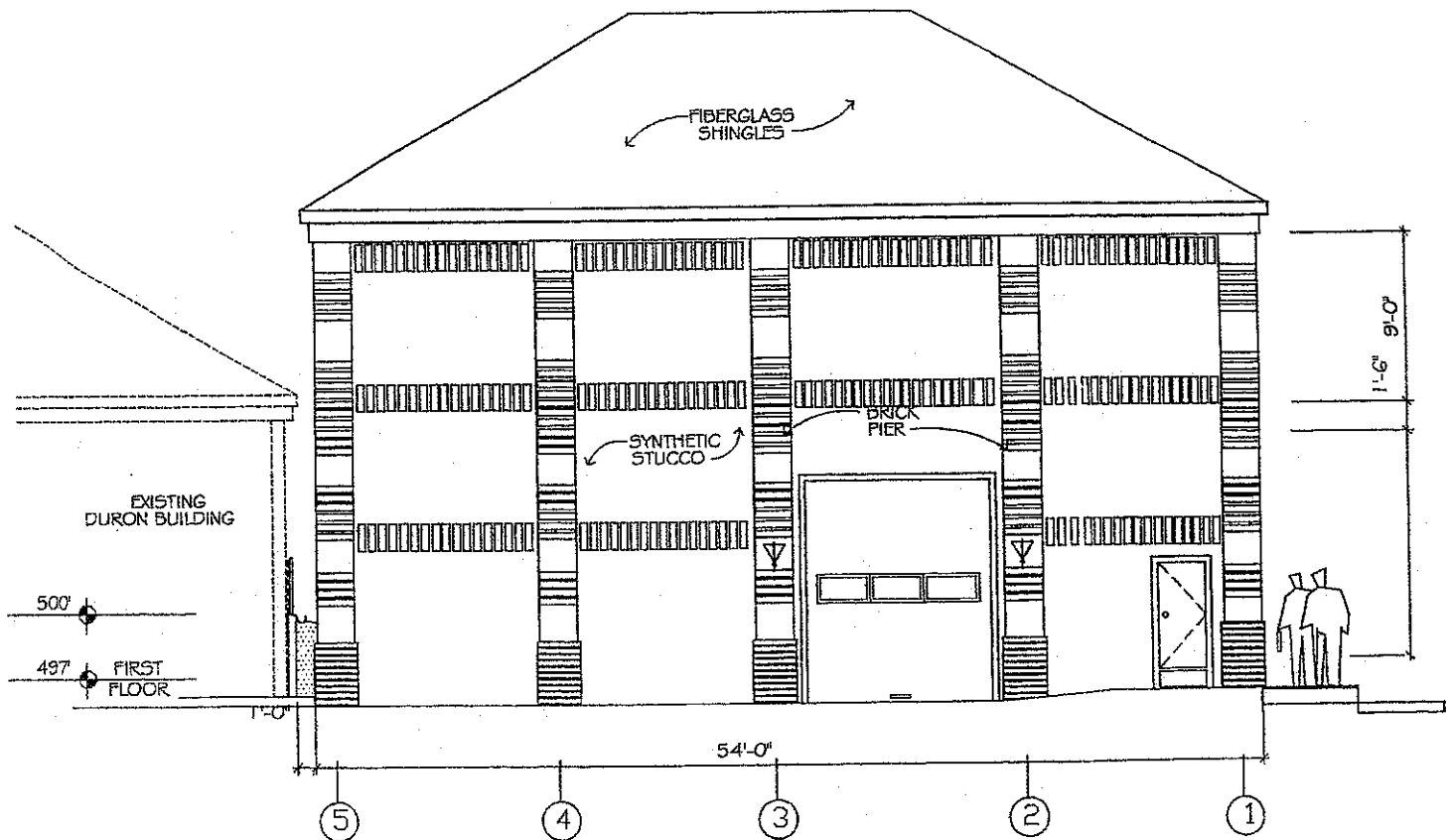




# RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

FACES DURON PAINT STORE

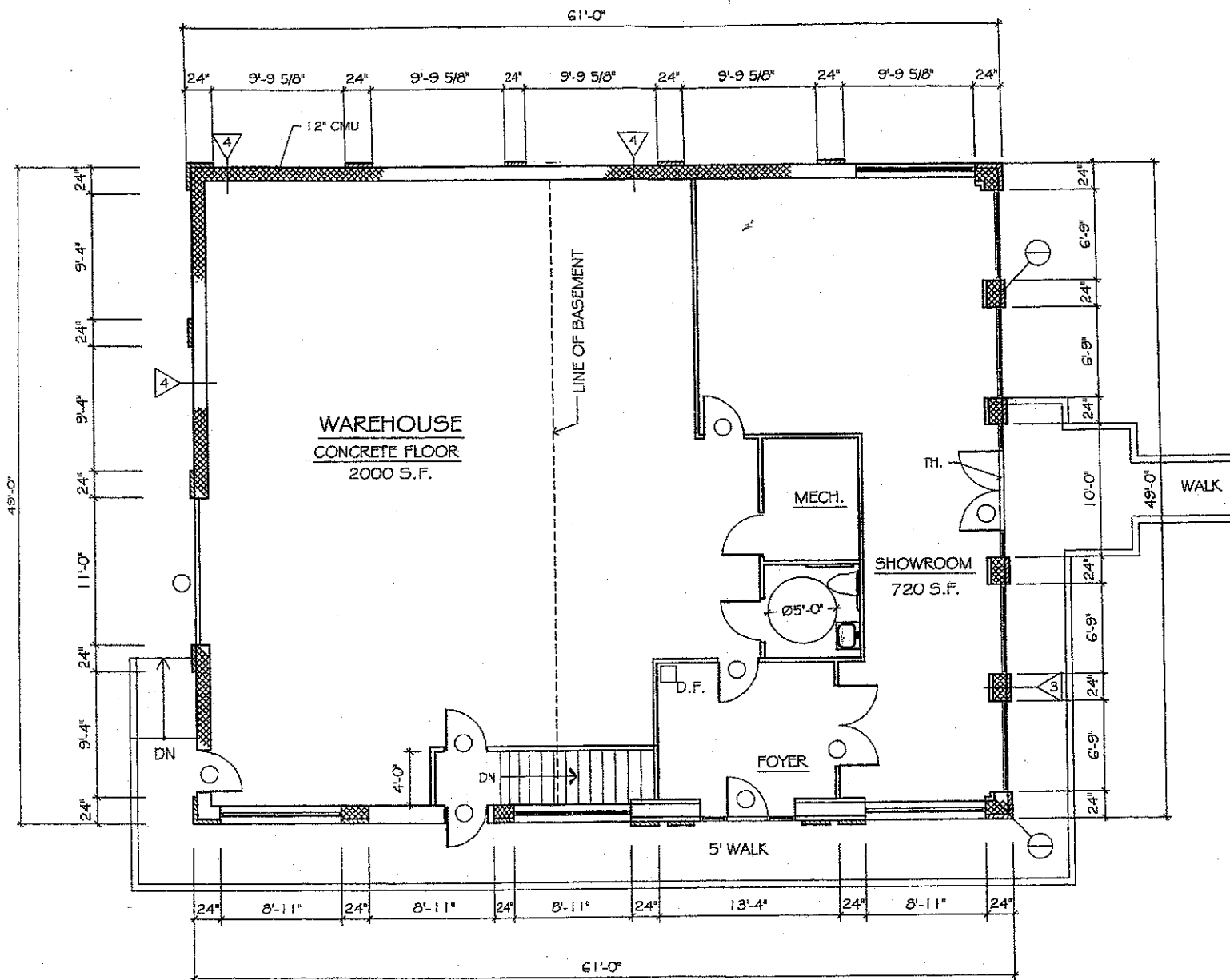


REAR ELEVATION

SCALE: 1/8" = 1'-0"

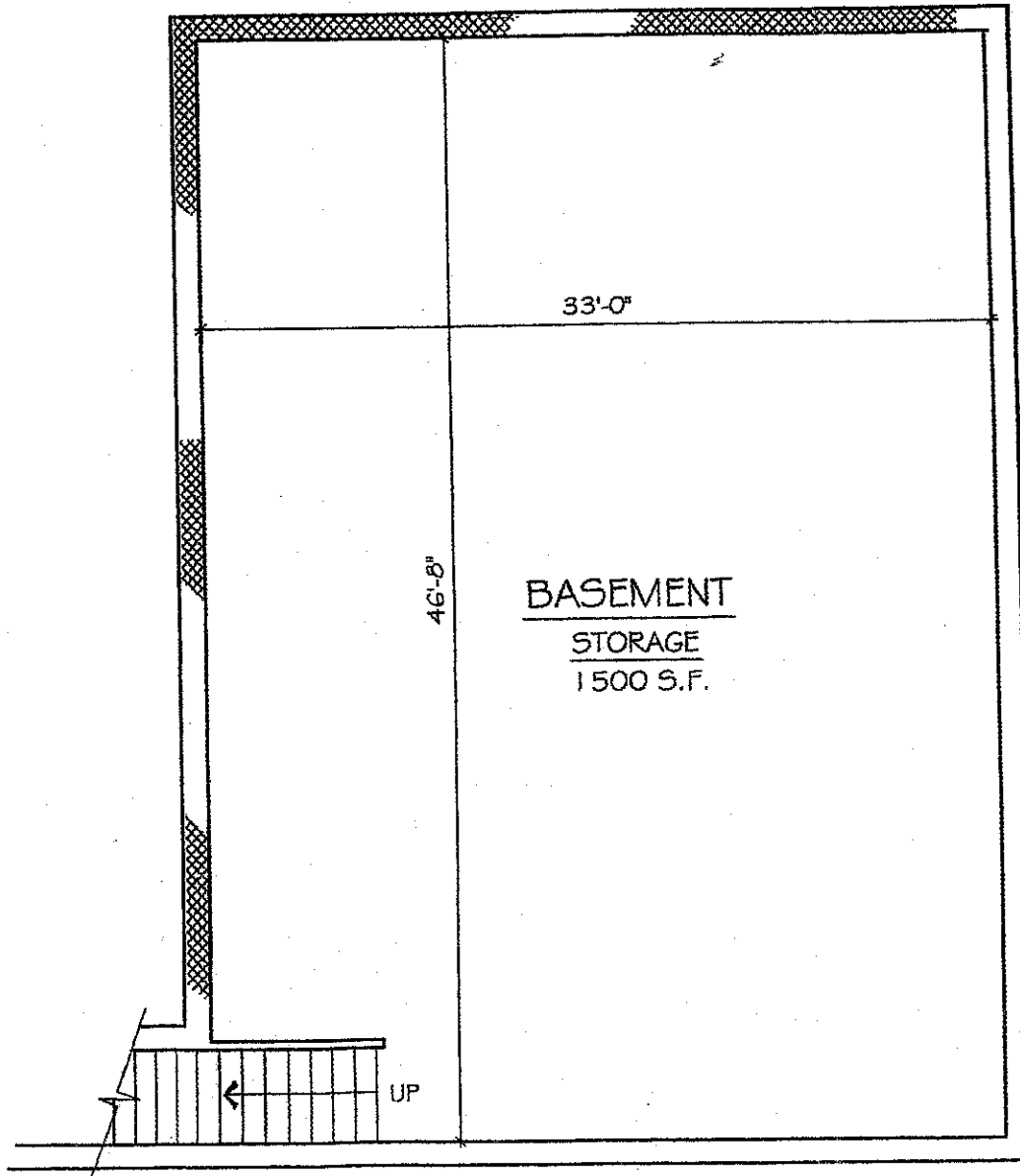
FACES ALLEY AND  
RESIDENTIAL AREA





# FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



J.M.A. ASSOCIATES  
14317 Platinum Drive  
North Potomac, MD. 20878  
(301) 762-7819

May 22, 2002

Pat Patula  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, MD 20877-2098

Re: Maryland Carpet and Tile

Dear Pat:

The following are the minutes concerning the above-proposed project. We met in the following neighbors as checked in the following pages. They liked the proposed building; however, they had several concerns including: (1) no turn sign, (2) exterior lighting, and (3) tree caliber.

- (1) They expressed a need for a no left turn sign to be installed at the junction when the alley meets Maryland Avenue. Also a no right turn sign to be installed at the junction where the alley meets Montgomery Avenue.
- (2) They wanted controlled lights so that there is no direct light into their residences.
- (3) They wanted somewhat mature trees to be planted at the rear of the parking as a buffer for the residential neighbors.
- (4) They requested a red color brick to be consistent with the downtown existing buildings.

If you have any questions regarding this matter, please feel free to contact me directly at 301-762-1787.

Sincerely,

Shahin Batmanglich

cc: file



SDP02-002  
JOHN SWEAT  
6 OAK AVE  
GAITHERSBURG MD 20877

SDP02-002  
TENNANT PROPERTIES LIMITED  
LIABILITY CO  
1 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
LUCY A PEARSON  
7 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
SAFeway, INC  
5918 STONERIDGE MALL RD  
PLEASANTON CA 94588

SDP02-002  
CONSTANTINE E STEFANO  
401 S FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
WALTER L & C K PLUMMER  
33 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
CHARLES P & K S BROWN  
19 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROBERT L & D M GHERNA  
27 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
CHRISTINE M KIRBY  
22 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROBERTA MCVEIGH  
15 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
DOMINIC A GALLORO  
LYNNE DUKES  
12 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
LEO W LOPEZ  
3 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROBERT BARBOUR  
1820 BULLFROG RD  
FAIRFIELD PA 17320

SDP02-002  
EASTPINES 4-8 INC  
c/o PIZZA HUT INC  
PO BOX 428  
WICHITA KS 67201

SDP02-002  
BRIAN F & J M STONE  
100 PROSPECT AVE  
GAITHERSBURG MD 20877

SDP02-002  
GEORGE T & J A HUBBARD  
23 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
WILLIAM R & J S BOTTEN  
16 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
JOSEPH & JENNIFER ELSWICK  
3 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROBERT P BROWN  
25 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
JAMES S & L K DEL PRIORE  
13 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
EXXON CORP & STANDARD OIL  
PO BOX 53  
HOUSTON TX 77001

SDP02-002  
JAMES R & E D PULLEN  
5 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
HAIR BAR LTD AND  
HALICI INC  
309 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
JAMES R & M K CANNISTRA  
10 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
PATRICIA C O MARTIN  
29 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROBERT K MAY  
21 MARYLAND AVENUE  
GAITHERSBURG MD 20877

SDP02-002  
ELWOOD H & H C EASTON  
4 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROSALIE & M W LAMB  
35 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
JAY L & J S JONES  
17 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
213 N FREDERICK AVE II LLC  
9501 POTOMAC DR  
FT WASHINGTON MD 20744

SDP02-002  
WILLIAM P & J A OLIN  
9 MONTGOMERY AVE  
✓ GAITHERSBURG MD 20877

SDP02-002  
MARY M SHEAHIN  
C/O FREDERICK J SHEAHIN  
PO BOX 215  
ASHTON MD 20861

SDP02-002  
FRANCIS M QUINN  
8 OAK AVE  
GAITHERSBURG MD 20877

SDP02-002  
CHRISTOPHER L & MARY A  
VANPETTEN  
10 OAK AVE  
GAITHERSBURG MD 20877

SDP02-002  
JANET E HERRMANN  
12 OAK AVE  
GAITHERSBURG MD 20877

SDP02-002  
ALBERT W ZANNER JR TRUST  
8 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROBERT C & M J OWERS  
10 MONTGOMERY AVENUE  
GAITHERSBURG MD 20877

SDP02-002  
Curtis ✓  
CURTIS W & DAVIS  
MARIA POLAKOSKI  
12 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
WM P&K L KOHLENBURG  
14 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
PAUL A JR & C Y HALPINE  
6 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
PETER B & WINANT  
BARBARA A RICHARDS  
18 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
417 FREDERICK PIKE LTD PTNSP  
c/o HOST MARRIOTT 72/906  
10400 FERNWOOD RD  
BETHESDA MD 20817

SDP02-002  
JOHN R JR & D S RUMBLE  
11 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
GEO A 3RD & R B WILSON  
13 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROGER L AAMODT  
17 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
EDWARD A HOILER JR  
10 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
HELEN C EASTON  
4 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
THOMAS L & I L REED  
7 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
THOMAS W NOLT  
9 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
✓ AMY HARDIN  
103 BROOKES AVE  
GAITHERSBURG MD 20877

SDP02-002  
✓ BETTY U ISIS TRUST  
16 MONTGOMERY AVE  
GAITHERSBURG MD 20877

SDP02-002  
SALLY S ROGERS  
14 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
✓ JOHN R & P G DAVIE  
3 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
JAMES L & M T SCHWEITZER  
5 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ANTHONY RIANO  
7 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
LIAM MILES  
4 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
FRANKLIN H & M K WILSON  
6 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
ROY J HAASER  
8 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
9 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
THELMA R FLETCHER  
11 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
FARMERS BANKING & TRUST CO  
c/o ALLFIRST BANK 109-820  
PO BOX 1596  
BALTIMORE MD 21203

SDP02-002  
DURON INC  
10406 TUCKER ST  
BELTSVILLE MD 20705

SDP02-002  
JAMES F MACE  
6 HIGHLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
305 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
FOREST OAK CEMETARY  
c/o RALPH W OFFUTT JR  
16705 BETHAYRES RD  
DERWOOD MD 20855

SDP02-002  
AAKAM LLC  
13600 STONEBARN LN  
N POTOMAC MD 20878

SDP02-002  
GAITHERSTOWNE PLAZA L L C  
c/o 1ST WASH MGNT INC  
4350 E WEST HWY STE 400  
BETHESDA MD 20814

SDP02-002  
OCCUPANT  
1 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
20 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
213 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
215 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
301 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
STEPHEN PARRISH  
31 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
12 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
GRIGOR SHIRINIAN  
10904 HAISLIP CT  
POTOMAC MD 20854

SDP02-002  
OCCUPANT  
411 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
419 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
412 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
408 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
302 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
300 N FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
PATRICK S MAHON  
MARGARET C BINNS  
18 MARYLAND AVE  
GAITHERSBURG MD 20877

SDP02-002  
1 MARYLAND AVE INC  
807 S FREDERICK AVE  
GAITHERSBURG MD 20877

SDP02-002  
OCCUPANT  
2 MARYLAND AVE  
GAITHERSBURG MD 20877

*There was one other gentleman  
who left with out marking his  
name.*

**PUBLIC HEARINGS**

1. **JOINT – SDP-02-002 – Application Requests Approval of a Schematic Development Plan (SDP), Known as Maryland Carpet and Tile, Located in the Realty Park Subdivision in Gaithersburg, Maryland. The Plan Proposes a 4,489 Square Foot, Two-Story Building With 12 Parking Spaces on 12,574 Square Feet of Land. The Parcel is Located at 305 North Frederick Avenue in the Corridor Development (CD) Zone**

Planner Patula stated the above hearing was advertised in the *Gaithersburg Gazette* on April 17 and 24, 2002, and the property was posted. She gave a brief update stating the applicant's concept plan was denied on December 3, 2001, and requested the applicant to return with a schematic development plan. The applicant is also requesting a stormwater quantity waiver from the City's Department of Public Works. She explained that following the hearing, if there is no work session, the application would proceed to the Planning Commission for a recommendation to the Mayor and City Council for final approval. She introduced Ali Asgari, owner of Maryland Carpet and Tile.

Mr. Ali briefly explained that the business will operate with 12 employees and stated that he would like to add a warehouse operation to the store.

Paul Maerec, Architect, J.M.A. & Associates, 14317 Platinum Drive, North Potomac, Maryland, reviewed the revisions made to the plan. He stated that the size of the building has been reduced with access from the basement going directly to the outside. He also explained that the showroom has also been reduced. The proposed 12 parking spaces does meet code requirement and a two-way access has been added to the parking from Route 355.

Council Member Alster questioned the types of trucks and the operation of loading and unloading at the warehouse section of the proposed plan. Mr. Maerec responded that large trucks are not being used, but they do use minivans. He explained the access would be from either the alley at the back or from Route 355 going toward the back of the building. He explained that the access is now two-ways with a width of 20 feet.

Commissioner Levy questioned the adapted reuse of the existing house. Ms. Patula explained that the house is on the City's Historic Inventory List and is part of the Frederick Avenue Corridor Plan that was sited for demolition. She stated that adapted reuse was not considered.

Commissioner Levy expressed concern with the number of employees and parking spaces. Mr. Maerec made a correction stating that the business is operated by only two employees.

Speakers from the audience were:

1. *Pamela Davey, 3 Maryland Avenue*, asked that the City consider the residential neighbor when approving the elevations and building appearance. She asked that the applicant improve upon the landscaping on the backside of the building. She also expressed concern with the traffic from the alley and suggested a no left hand turn onto Maryland Avenue and a no right hand turn for those exiting onto Montgomery Avenue.
2. *Anthony Riano, 7 Maryland Avenue*, expressed concern with the maintenance (grass cutting and snow removal) of the property.
3. *Amy Hardin, 103 Brookes Avenue*, expressed concern with semi type trucks using the alley and side streets to deliver their products. She asked that the larger truck be kept on Route 355 because of the delicate nature of the older homes and the vibrations from the trucks.

There were no other speakers at the hearing.



Mayor Katz asked the applicant and staff to arrange a meeting with the residents in the area. He asked for a timeline for the record to remain open. Planner Patula stated staff would like the proposed plan go to the Planning Commission for recommendation at their June 5, 2002 meeting. Mayor Katz suggested that the record be left open indefinitely to allow the applicant to schedule a meeting with the community.

Council Member Somerset asked for clarification of a stormwater quantity waiver. *Rafik Basikian, Civil Engineer, Baxikian Consultants, LTD, 701 Burnt Mills Court, Silver Spring, Maryland*, explained that state and county law requires the property owner calculate and control the quantity and quality of the runoff on paved areas that the site will generate.

Mayor Katz asked for the City's Department of Public Works to submit recommendations to the Mayor and City Council to review on the stormwater waiver before the record closes. He also asked staff and the applicant to address Ms. Hardin's concerns at the residential meeting.

Motion was made by Commissioner Bauer, seconded by Commissioner Levy, that the Planning Commission record on SDP-02-002, remain open indefinitely.

Vote: 3-0

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the City Council record on SDP-02-002, remain open indefinitely.

Vote: 4-0

## **2. An Ordinance to Adopt the City Budget for the Fiscal Year July 1, 2002 through June 30, 2003**

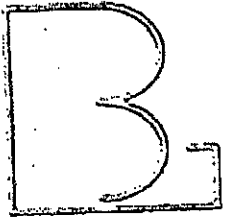
Finance and Administration Director Belton introduced City Manager Humpton who gave a brief presentation on the proposed budget prior to public testimony.

City Manager Humpton stated that the ordinance establishes the City Budget, which provides a complete financial plan, including anticipated revenues and proposed expenditures for the Fiscal Year 2002-2003. The ordinance also institutes the ad valorem tax on all assessable property within the City of Gaithersburg, Maryland. The ad valorem tax has been set at a rate of \$.212 on each \$100 of assessed value of real property and \$.53 on each \$100 of assessed value of Personal Property. Mr. Humpton stated that the proposed budget and brochures are available for citizens at City Hall and at the Activity Center at Bohrer Park. He mentioned that the City's website also has information on the proposed budget. The above hearing was advertised in the April 17, 2002 issue of the *Gaithersburg Gazette*.

Mr. Humpton outlined the underlying principles that were used to prepare the budget. He stated that the budget proposed no increase in the tax rate. He stated that in order to maintain the quality of basic services as the City grows and new programs are implemented, it was necessary in FY2002 to add a number of new positions. He recommended that two new 20-hour part-time positions be included in the FY2003 budget. Mr. Humpton stated that the proposed budget of roughly 30.9 million dollars is down approximately 2.6 million dollars from last year's adopted budget. He reviewed the revenue supporting the proposed budget. He also mentioned several partnerships and grants that help support the City's budget. He briefly discussed proposals for funding Capital Improvement projects as well as changes to the Operating Budget which is significantly larger resulting from the addition of Lakelands Park, Lakelands Recreation Center and the Gaithersburg Youth Center. In conclusion, he stated that budget work sessions have been scheduled for Monday, May 13 and Wednesday, May 15, 2002, 7 p.m. at the Activity Center at Bohrer Park, Summit Hall Farm. He asked that the Mayor and City Council close their record on the budget on May 27, 2002 at 5 p.m., with final adoption on June 3, 2002.

The Mayor and City Council thanked City Manager Humpton on a fine budget report and complimented staff on how the City is managed.



**BAZIKIAN  
CONSULTANTS, LTD**CIVIL TRANSPORTATION  
STRUCTURAL ENGINEERSPhone: (301) 593-9755  
Fax: (301) 593-0059E-Mail: info@bazikian.com  
www.bazikian.com

May 23, 2002

Mr. Greg Cook  
State Highway Administration  
Engineering Access Permits Division  
P.O. Box 717/Mail Stop C-302  
Baltimore, MD 21203-0717

**REFERENCE:**      **Montgomery County MD 355**  
                         **Maryland Tile**  
                         **File no. SDP-02-002**

Dear Mr. Cook:

Thank you for your April 25, 2002 letter, we are and will comply with the content of your letter except the entrance was planned for two way access not one way as you mentioned in your letter. Please review the submitted plan which shows two ways and if plan needs adjustment we are willing to do so.

Thank you, for your cooperation, if you need additional information please call me.

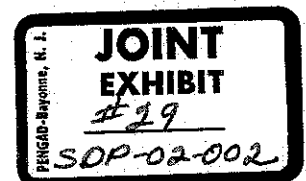
Sincerely,

**BAZIKIAN CONSULTANTS, LTD.**

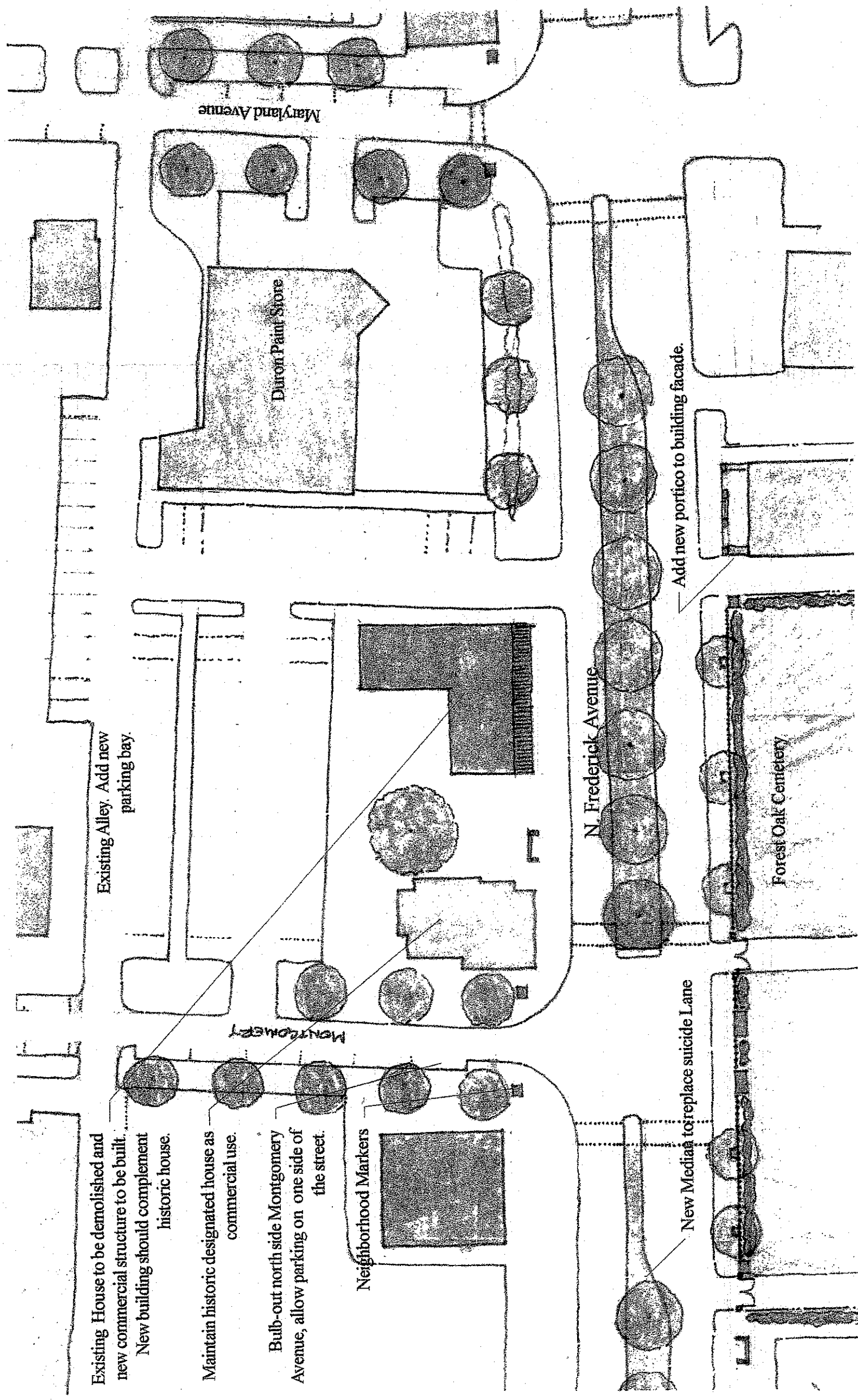
Rafik Bazikian, P.E.

Post-it* Fax Note	7671	Date	5/30/02	# of pages	ONE
To	PAT PATULA		From	RAFIK BAZIKIAN	
Co./Dept.			Co.		
Phone #			Phone #	301-593-9755	
Fax #	301-258-1330		Fax #	301-593-0059	

701 Burnt Mills Court, Silver Spring, MD 20901



**FREDERICK AVENUE CORRIDOR**  
**THE DESIGN CODE APPLICATION**  
**Neighborhood Transformations**



300 Block of North Frederick Avenue  
Parcel Redevelopment Sketch

**JOINT EXHIBIT**  
#30  
SOP-02-002

TRANSCRIPT OF  
JOINT PUBLIC HEARING

ON

**SDP-02-002**

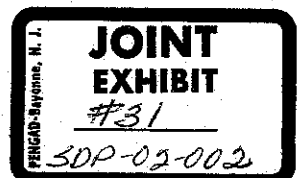
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Building With 12 Parking Spaces on 12,574 Square Feet of Land. The Parcel is  
Located at 305 North Frederick Avenue in the Corridor Development (CD) Zone

BEFORE THE  
CITY OF GAITHERSBURG  
MAYOR AND CITY COUNCIL  
AND  
PLANNING COMMISSION

ON

MAY 6, 2002

Transcribed by  
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz  
Council Member Alster  
Council Member Marraffa  
Council Member Schlichting  
Council Member Somerset

Council Vice President Edens (Absent)

PLANNING COMMISSION

Chair Keller  
Vice Chair Bauer  
Commissioner Levy

CITY MANAGER

David B. Humpton

CITY ATTORNEY

Stanley D. Abrams

STAFF

Planner Patula

OTHER SPEAKERS

Ali Asgari, Owner, Maryland Carpet and Tile  
Paul Maerec, Architect, J.M.A. & Associates, 14317 Platinum Drive, North Potomac, MD  
Pamela Davey, 3 Maryland Avenue  
Anthony Riano, 7 Maryland Avenue  
Amy Hardin, 103 Brookes Avenue  
Rafik Basikian, Civil Engineer, Basikian Consultants, LTD, 701 Burnt Mills Court, Silver Spring, MD

Katz           The next item that we have is going to be a joint public hearing and I would like to invite the Planning Commission to please come forward. And while they are coming forward if Pat Patula could please, I guess be the one who is going to introduce this public hearing. If she can please come to the podium. This is a joint public hearing for SDP-02-002, which is for Maryland Carpet and Tile, 305 North Frederick Avenue.

Patula       This is a public hearing on SDP-02-002. This hearing has been duly advertised in the *Gaithersburg Gazette* on April 17 and 24, 2002, and the property posted. At the present time, there are 25 exhibits in the record file. These exhibits are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the Planning Office during regular business hours at City Hall. Any objections to the receipt of any exhibits should be noted prior to the closing of the record; otherwise they will be deemed received in evidence. The applicant Maryland Carpet and Tile is requesting approval for the construction of 4,498 square foot, two-story building at 305 North Frederick Avenue. And this parcel is in the Fairgrounds Commercial District of the Frederick Avenue Corridor, which is in the CD Zone. As you will recall in December of last year, the City Council denied the concept plan that was presented and request that the applicant return with a SDP which they are doing this evening. And that would explain the changes to you. They also will be requesting a stormwater quantity waiver from the City's Department of Public Works. As a matter of process and general information, after this hearing, then the application (inaudible) a work session, the application will then go to the Planning Commission for their recommendation and then back to you for your final decision. So right now, I will turn over the presentation and I believe Mr. Ali Asgari, who is the owner of Maryland Carpet and Tile will begin and he wants to explain a little bit about how he will be running the business.

Katz Thank you Pat.

Asgari Good evening.

Katz If you can give you name and address for the record.

Asgari Yes. My name is Ali Asgari. I am the owner of Maryland Carpet and Tile on North Frederick Avenue.

Katz Did you have some information that you would like to give us about the.....

Asgari Yes. Right now the operation that we have, we about 12 employees. I would like to have a warehouse operation at 305 North Frederick Avenue. (inaudible).

Katz Is there any information that you would like to give us about the building? Or anything like that? Is there anyone that is going to, you are going to be doing that? Very good. Any questions of this gentleman? Thank you very much. Please.

Maerec Good evening. My name is Paul Maerec. We have reduced the building...

Katz Mr. Maerec, just for the record, what is your association with the business.

Maerec I'm the architect.

Katz You're the architect. And your address please?

Maerec 14317 Platinum Drive, North Potomac, Maryland.

Katz Ok. Thank you.

Maerec So what we, just remember we had a two-story building with a second story, if I may...

Katz Please. You will need to bring the microphone with you.

Maerec As you will recall, we had a warehouse area with a showroom and a second floor that was to be used as offices. We also had a full basement that was also to be used as a warehouse. Since then, we have reduced the size of the building to 1,500 square foot basement without vertical access other than just a set of stairs that goes directly to the outside as well as has access to the (inaudible) leading to the warehouse. The showroom is now reduced to 720 square feet and the warehouse in the back is about 2,000 square feet. The number of parking spaces that we now have are 12. We have 12 parking spaces and 12 of them are required by code. So we are meeting the requirement for parking as well. We have also provided a two-way access to the parking from 355 and we have a (getting a design display to show the Council). We have the first parking to the back of the building and access in and out to 355 on the side of the building. If there are any questions I will answer.

Katz Ok. Any questions of the gentleman.

Alster You've gone through this before, but when you talk about a warehouse, it would be the loading and unloading of trucks? How would that be accomplished with the plan that you are proposing?

Maerec The types of trucks that will be coming out are basically mini vans who come and take care of the delivery of carpets. They are not large trucks

they are just simple mini vans. In fact, they are no different then the operation they have now.

Alster And where would that be? From the front where the parking spaces are?

Maerec No. They would be either driving from the alley in the back or coming through 355 and going towards the back, there is an area...

Alster If you could show us on the drawing please.

Maerec Sure. They would be coming from 355 here and there is an area here with a large overhead door where trucks can pull in and just take their merchandise to their (inaudible).

Somerset Now I remember previously, it was just access from the alley. How did that get resolved to have access from 355.

Katz It was an access from 355, but I believe that it was only a 12 foot drive.

Maerec It was only a one-way.

Katz And now how wide is it?

Maerec It's a two-way.

Katz I understand, but how wide is it now? What is the width or the two-way?

Maerec I think it is 20 feet.

Katz 20 feet. Ok. Any other questions of the speaker?



- Levy            When I read through the package, I saw that there was a mention of the adapted reuse of the property of the house that was already there. And I didn't see anything that dealt with that question as to what happens to the consideration of adapted reuse of the house that 's there?
- Maerec        To reuse the house, the existing house?
- Katz           Pat do you want to respond?
- Patula        This house is on the City's historic inventory. It is part of the Frederick Avenue Corridor Plan and it was sited for demolition and (inaudible) with the adjacent property hopefully. And we put the HPAC's record in there to remind you that they had agreed with the Master Plan in the Frederick Avenue Corridor for this change. And so adapted reuse really doesn't give them all that much consideration.
- Katz           Ok. Does that answer it? Any other questions of the gentleman?
- Levy           The other thing that perceive as a potential problem is as Mr. Asgari said, he has 12 employees and there are only 12 parking spaces. I know that complies with the requirements, but I still perceive a problem there. Where are the customers going to park?
- Maerec        No. In fact I will let Mr. Asgari talk about his operation. There are no 12 employees planning to work there. Actually, his operation now is two people. His operation is basically wholesale with a warehouse in the back, storage in the back.
- Levy           I was just going by what he said a couple of minutes ago.

Katz I thought he had said that also. So two employees? Thank you very much. We are now going to hear from the public. And we ask that anyone who would like to come before us on this topic, please do so and keep your remarks to no more than three minutes and that you please state your name and address for the record. Please, if you can please come forward.

Davey I'm Pamela Davey. I live at 3 Maryland Avenue and I want to make a couple points about the development of this property. I have not even seen the elevation yet, so I'm not criticizing anything. I just want to make the comments that I believe that a precedent was set with the Duron Paint building. Where the neighborhood, the residential neighborhood had considerable input into keeping, not the business change, but keeping the outward appearance of the building somewhat compatible with the residential houses that are adjacent to the (inaudible) back on to it, but obviously it is part of our neighborhood. I think Judy Christiansen in fact, I think was quite instrumental in some of these things like what roof pitches and things like that. So I would hope that the neighbors' feelings about the design of the building would be taken into consideration since we are going to have to look it. That's my first point. The second point is again the alley. Number 2 Maryland Avenue and number 1 Montgomery Avenue which are both residential buffer properties, have done some very nice landscaping along the alleys. There are some substantial trees and parking lots that have grassy spaces and stuff like that. And Duron as well has put in along the alley side, some substantial like kind, so that in fact it doesn't look like the back of the 7-Eleven, which I look onto. And I would hope that this property as well would continue. I assuming that the alley would have to be improved as well and it has improved behind Duron, but not improved the whole length of the alley. I assume that they would do that. But I would hope that they would also put in some substantial landscaping on the backside so as you go down the alley it's not like you

are looking at the back of a large building. And my third point has to do with the traffic, especially as it would be coming out of the alley. Since the parking appears to be on the alley side as opposed to the front side, I'm guessing that cars are going to be coming out through the alley and I'm sure that you are aware that there have been some problems. The neighborhood is concerned with the amount of traffic on Maryland Avenue, Montgomery Avenue. And I am wondering if there is anyway we might consider a no left hand turn onto Maryland Avenue for people coming out of that alley. And a no right hand turn for people coming out on the Montgomery Avenue side.

Katz Thank you very much. Is there anyone else in the audience? Yes please.

Riano Good evening my name is Tony Riano. I live at 7 Maryland Avenue. I'm concern about the number one on Maryland Avenue. The property is not clean. They don't keep the grass kept regular. The grass is tall and (inaudible) inches tall. The problem is in the winter time. They never clean the sidewalks over there. They are waiting for Mother Nature to be cleaned. This is my concern. Thank you very much.

Katz Thank you very much. Did we make a note of it? Our staff made a note of it. Thank you. Anyone else in the audience, please Amy.

Hardin Amy Hardin, 103 Brookes Avenue. My question about the raised issue of the trucks. And I think the business owner talked about the delivery vans that his business uses, but I would be concerned about semi type trucks delivering products from manufactures and I wouldn't want those to be using that alley or using the side streets. Because they are kind of fragile older buildings that would vibrate from the semi trucks, so we would want to keep that traffic on 355. So if the owner could address the issue of possible traffic from larger trucks, maybe not as big as a semi, but the

bigger delivery trucks.

Katz Thank you. Anyone else in the audience, please? One of the suggestions that we have is that the applicant would actually have some sought of a meeting or discussion with the community and I think that's a good idea. I know that we have done that as Ms. Davey's pointed out with other buildings, like the Duron building in that area. What is the time frame, I guess Pat is the one who is going to know this. But what is the time frame that we are looking at for the record to be open, etc.

Patula That is up to your discretion. We were hoping, that is if there are no other meetings or work sessions, that the Planning Commission would be able to make a recommendation at their June 5, 2002 meeting, which is not all that far away. (inaudible) allow enough time to .....

Katz Well, if it meets with the Commission and Council's approval, I would think that we would just leave the record open. Let them meet with the community as quickly as they can and then get back with us and we can close the record and then vote on it. I think it would help in a lot of ways. It would help you as well as help the City if that meets with everyone's approval. So I think that is what we are going to do. Is there a motion to just leave the record open....

Somerset Can I just ask a question? I realized I wanted to ask and this was not explained in the presentation. What is a stormwater quantity waiver?

Patula I will let the engineer answer that.

Basikian Rafik Basikian, Civil Engineer. Based on the state law and county law, we are suppose to control the quality and quantity of run-off on paved areas. The pavement that we are introducing here is about 200 square feet less

than the existing condition so we are not really increasing the run-off, but we have to go through the step of requesting the waiver. Normally we are suppose take care of the quantity of the run-off which is the bio-retention facility that we are showing in here. But for the quantity, we have calculated the run-off when we put the comparison in here. Like based on the existing condition, it was 1.94 (inaudible) run-off and post development was 1.83. So there is like equal amount of run-off that the site generates, but you have to request that waiver, just going through the motions. As far as the quality of the run-off, we have a bio-retention facility that we are proposing that the first flush constitute this vegetative area and filters off and goes to over (inaudible) and some of it goes into the ground.

Katz           And I am assuming that our Public Works or whoever will be getting us their suggestions. Perhaps it would be helpful if they can give it too us while the record is open so they look at it at the same time.

Patula        Ok.

Katz           And also when they have the meeting with the public if you go also address Amy's concern about the traffic, the larger truck traffic. Is there a motion, I guess from the Planning Commission please.

Bauer         I just have a quick question. As I understand it, we will hold our record open indefinitely and then wait for that meeting and then we would do our recommendation. I suppose that we could say that we would close the record at the same night that we would here the, make our recommendation or say in about two weeks.

Katz           The City Attorney, they can close their record the same night, just like we can do?

Abrams Yes.

Bauer The question is if we have to announce that we going to close the record or if we have to give it another (inaudible) or can we just do it that night?

Katz You can do it that night.

Abrams You can do it the same night.

Bauer Ok.

Alster That has to be the shortest legal opinion ever.

Katz If he only uses one word opinions we going to use that microphone all the time.

Bauer Well then I move that we, the Planning Commission hold their record open indefinitely.

Levy Second.

Keller All in favor?

Commission Ayes.

Keller The Commission has it 3-0.

Katz Thank you very much. And what is the pleasure of the Council please.

Alster I move that we hold the record on SDP-02-002 open indefinitely.

Marraffa Second.

Katz It has been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? It carries unanimously as well.

Alster And it is understood that our recommendation is that they do meet with the neighborhood.

Katz Yes. They are aware of that. You will set that up?

Somerset And hopefully they will find a way to handle the water runoff.

Katz Right. And also if you can notify obviously the neighbors and everyone associated with this. Ok. Thank you very much.

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END OF JOINT PUBLIC HEARING  
SDP-02-002

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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** June 5, 2002

**ITEM:** SDP-02-002

**TITLE:** Maryland Carpet and Tile

**REQUEST:** Schematic Development Plan  
Recommendation to the Mayor  
and City Council

**ADDRESS:** 305 North Frederick Avenue

**ZONE:** CD

**APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER:**

Owner: Ali Asgari  
Engineer: Rafik Bazikian, Bazikian Consultants, LTD  
Architect: Paul Maerec & Shahin Batmanglich, J.M.A.  
Associates

**STAFF PERSON:** Patricia Patula, Planner

**Enclosures:**

Staff Comments

Selected exhibits from public hearing

- Exhibit 3: Site Plan
- Exhibit 5: Front Elevation
- Exhibit 6: Left Side Elevation
- Exhibit 7: Right Side Elevation
- Exhibit 8: Rear Elevation
- Exhibit 9: First Floor Plan
- Exhibit 10: Basement Floor Plan

Exhibit 27: Letter from J.M.A. Associates dated May 22, 2002

Exhibit 28: Minutes of May 6, 2002 Joint Public Hearing

Exhibit 29: Letter from Bazikian to State Highway Administration dated 5/23/02





## **STAFF COMMENTS**

**Background.** The applicant, Maryland Carpet and Tile, is requesting to replace the existing 2,812-square foot house at 305 North Frederick Avenue with a 4,498 square-foot building. Most of the structure will be for warehouse use with 720 square feet for showroom purposes. The building, about 35 feet high, has an interior of only one story with a partial basement (to be used for storage/additional warehousing) that exits directly to the exterior. The façade is proposed to be of synthetic stucco and brick piers with a large number of windows; a loading area is in the rear.

A bio-retention facility will be in the rear parking area to accommodate the storm water management. The applicant will be requesting a storm water quantity waiver from the City's Department of Public Works.

While handicap parking is in the rear, the actual access is along a sidewalk to either the side or front entrances of the building. There are 12 planned parking spaces which meet the requirements for this use. Two-way ingress/egress is planned from Route 355 with an additional ingress/egress from the rear alley

**Closing of the Record.** The Planning Commission and the City Council held a joint public hearing on this proposal on May 6, 2002. The record of the Planning Commission will need to be closed at the meeting of June 5, 2002, after the applicants have given the results of the community meeting and addressed any additional questions from the Planning Commission.

**Community Meeting.** At the public hearing, the applicants were given the directive to meet with the community before returning to the Planning Commission for a recommendation to the City Council. The adjacent neighborhood was notified and nine people attended the meeting held on May 20, 2002, at Maryland Carpet and Tile. There was general acceptance of the proposal. The community's concerns centered on signs to direct truck traffic away from the residential neighborhood, more mature trees, parking lot lights that would not negatively affect the residential area, and red brick to be consistent with the "downtown" buildings. (See Exhibit 27.)

**Recommendation to City Council.** This SDP has undergone the first step in the review process as outlined in the CD Zone. After the Planning

Commission's recommendation to the City Council, the City Council will render a decision of approval or denial, with or without conditions. The Council will also need to establish the setback requirements, which in this case, will be peculiar to this difficult lot. The CD Zone lists a number of criteria for parking and access in the case of demolition (Sec. 24-160G.4 e) and some of these cannot be met for this project.

Also, to be considered is the recommendation in the Frederick Avenue Corridor Plan which promoted assemblage of the lots for redevelopment. A practical application of this would be an easement to be initiated at the time of the redevelopment of the adjacent Lot 84, the Halici Property, to permit some type of shared usage of parking spaces and access.

Since this SDP is of a conceptual level, changes can be made at the time of final site plan review. The final architectural design, for example, will be approved at final plan review (there's work to be done on the rear elevation to meet the Corridor guideline), as well as other details referencing the sign package, landscaping details, lighting, etc.

The staff finds that the project is in conformance with Sections 24-170 and 24-171 and Section 24-160G (CD Zone) and the Guidelines of the Frederick Avenue Corridor Plan. The following conditions are recommended to accompany this plan:

1. That the applicant continue to work with the State Highway Administration to resolve Maryland Route 355 ingress-egress issues.
2. That the applicant receive approval of the grading and paving of the alley from the Department of Public Works prior to the submission of the plan for final site plan review.
3. That the improvements to the streetscape along Frederick Avenue comply with the Frederick Avenue plan standards.
4. That the lighting plan comply with the Frederick Avenue Plan standards and be approved by the Department of Public Works, Parks Maintenance and Engineering.
5. That the applicant receive approval for the storm water quantity waiver from the Department of Public Works, Parks Maintenance and Engineering prior to the submission of the plan for final site plan review.
6. That the applicant submit a record plat prior to the issuance of building permits, which will include a reference to allow for a mutual shared parking and access easement between Lots 84 and Pt22 in accordance with the Frederick Avenue Corridor plan at such time Lot 84 redevelops.



31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION  
JUNE 5, 2002**

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Chair Blanche Keller called the meeting to order at 7:30 p.m. Commissioners present: John Bauer and Danny Winborne. Absent: Victor Hicks and Lenny Levy. Staff present: City Attorney Stan Abrams, Planning and Code Administration Director Jennifer Russel, and Planners Mark DePoe, Kirk Eby, Pat Patula, and Trudy W. Schwarz.

**I. APPROVAL OF MINUTES**

May 15, 2002, Planning Commission Meeting

Commissioner Bauer moved, seconded by Commissioner Winborne, to APPROVE the Minutes of the May 15, 2002, Planning Commission Meeting.

Vote: 3-0

**II. CONSENT - APPROVAL**

1. AFP-01-015 -- Verizon C-D Zone  
5 North Frederick Avenue  
Switchboard Replacement  
EXTENSION OF APPROVAL
2. AFP-02-020 -- Cooper Residence @ Browns Addition R-90 Zone  
106 Rawlings Road  
534-Sq.Ft. Rear Addition  
AMENDMENT TO FINAL PLAN REVIEW

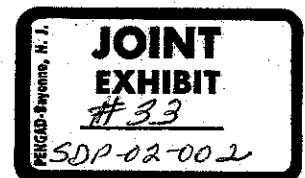
Commissioner Bauer moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 3-0

**III. RECOMMENDATION TO MAYOR AND COUNCIL**

SDP-02-002 - Request for approval of a schematic development plan known as Maryland Carpet and Tile, located in the Realty Park subdivision in Gaithersburg, Maryland. The plan proposes a 4,489-square foot two-story building, with 12 parking spaces on 12,574 square feet of land. The parcel is located at 305 North Frederick Avenue in the Corridor Development (C-D) Zone.

Planner Patula stated this application was the subject of a joint public hearing before the City Council and Planning Commission on May 6, 2002, with both records held open indefinitely.



She listed the exhibits added to the record after the public hearing and stated that the applicant has met with the community to discuss the proposal.

*Architect for the applicant, Shahin Batmanglich, JMA Associates,* presented the plan and elevations and reported on the meeting with the community, noting the neighbors were supportive of the proposal, but raised some concerns regarding impact on the residential area from truck traffic and lighting, the need for the addition of landscaping in the rear for buffering purposes, and compatibility of brick colors with area structures. He indicated the neighbors requested the installation of directional signage to ensure truck traffic exiting the site turns right on Maryland Avenue and left on Montgomery Avenue. He added they also requested that brick colors be the same as used in Olde Towne.

Chair Keller voiced a concern over the lack of architectural detail on the south side of the building facing the Duron store, given the length and visibility of that elevation. Mr. Batmanglich noted that due to the floor plan not much could be done on that elevation, other than the proposed brick piers and two rows of windows for the showroom section. Ms. Keller suggested adding false windows.

Commissioner Bauer commented that the corridor guidelines should be amended to include building frontage appearance on three or four sides of a building with high visibility. He agreed with Chair Keller that additional study is needed to embellish the south elevation. Regarding the rear elevation, Ms. Patula noted that adjoining properties to the south are commercial and that the rear elevation of the Duron building is very industrial in appearance as well. Mr. Batmanglich additionally noted the existing landscape buffer in the rear, pointing out that his building is less visible from the residential area than the Duron building.

In response to Commissioner Winborne, Mr. Batmanglich stated there is a door for truck deliveries in the rear. Ms. Patula answered Commissioner Bauer's question about directional signage for truck traffic by noting that the Department of Public Works, Park Maintenance and Engineering (DPWPME) would review that aspect at site plan review. Mr. Bauer, however, suggested including the directional signage issue as an SDP condition.

Commissioner Bauer moved, seconded by Commissioner Winborne, to close the Commission's public hearing record.

Vote: 3-0

Planner Patula stated the plan is in conformance with §24-160G and the guidelines of the Frederick Avenue Corridor Plan, subject to compliance with conditions that she listed. The Commission agreed with staff's findings, discussed the suggested conditions, made language revisions, and moved as follows:

Commissioner Bauer moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of SDP-02-002 - Maryland Carpet and Tile, with the following conditions:

1. Applicant is to continue working with State Highway Administration to resolve Md. Rte. 355 ingress/egress issues;

2. Grading and paving of the alley is to be approved by the DPWPME before the applicant submits the plan for final site plan review;
3. Improvements to the Frederick Avenue streetscape are to comply with the Frederick Avenue Corridor Plan standards and the building is to be studied for frontage appearance on north, south and front facades;
4. Lighting plan is to comply with the Frederick Avenue Corridor Plan standards and approved by the DPWPME;
5. Storm water quantity waiver is to be granted by the DPWPME before the applicant submits the plan for final site plan review;
6. A record plat is to be submitted before the issuance of building permits and is to include a reference to allow for a mutual shared parking and access easement between Lots 84 & Pt22 in accordance with the Frederick Avenue Corridor Plan at such time Lot 84 redevelops; and
7. Applicant is to work with DPWPME to address controlling commercial traffic into adjacent residential neighborhood via Montgomery and Maryland Avenues during site plan review.

Vote: 3-0

#### IV. SITE PLANS

1. AFP-02-022 -- Muddy Branch Square C-2 Zone  
800 Muddy Branch Road  
Banners on Existing Light Poles  
AMENDMENT TO FINAL PLAN REVIEW

Planner Schwarz introduced this application and provided background information regarding this late 1980's shopping center and its previous site plan amendment.

*Attorney for the applicant, Jody Kline, Miller, Miller and Canby,* began his presentation by noting the marked increase in the use of banners in the region and stated that the banners in this plan are proposed as an enhancing feature for Muddy Branch Square. He added that enhancement of existing centers is one of the themes of the current master plan amendment. He presented banner renderings and color samples, noting the three banner types proposed would be of a generic nature and adjusted on a seasonal basis. He also presented photographs of banners at the Washingtonian Center and Winter Green Plaza in Rockville and noted the latter are more similar in size to this proposal.

Mr. Kline presented the proposed site plan and indicated that 30x94-inch banners would be placed on 30-foot high light poles in the interior of the center, particularly on the periphery of driveways and back by the Giant store. The smaller 30x60-inch banners would be located on the 19-foot light poles along the road. Mr. Kline requested approval of this plan

**COMMUNICATION: PLANNING COMMISSION**

**MEMORANDUM TO:** Mayor and City Council

**VIA:** David Humpton, City Manager

**FROM:** Patricia Patula, Planner

**DATE:** August 13, 2002

**SUBJECT:** SDP-02-002, Maryland Carpet and Tile  
305 North Frederick Avenue

At its regular meeting on June 5, 2002, the Planning Commission made the following motion:

Commissioner Bauer moved, seconded by Commissioner Winborne, to recommend SDP-02-002, Maryland Carpet and Tile, for approval to the Mayor and City Council with the following conditions:

1. Applicant is to continue working with State Highway Administration to resolve Maryland Route 355 ingress/egress issues;
2. Grading and paving of the alley is to be approved by the DPWPME before the applicant submits the plan for final site plan review;
3. Improvements to the Frederick Avenue streetscape are to comply with the Frederick Avenue Corridor Plan standards and the building is to be studied for frontage appearance on north, south and front facades;
4. Lighting plan is to comply with the Frederick Avenue Corridor Plan standards and approved by the DPWPME;
5. Storm water quantity waiver is to be granted by the DPWPME before the applicant submits the plan for final site plan review;
6. A record plat is to be submitted before the issuance of building permits and is to include a reference to allow for a mutual shared parking and access easement between Lots 84 and Pt22 in accordance with the Frederick Avenue Corridor Plan at such time Lot 84 redevelops; and
7. Applicant is to work with DPWPME to address controlling commercial traffic into adjacent residential neighborhood via Montgomery and Maryland Avenue during site plan review.

Vote: 3-0 (Absent: Commissioners Hicks and Levy)





July 9, 2002

Shahin Batmanglich  
J. M.A. Associates  
14317 Platinum Drive  
North Potomac, MD 20878

Re: SDP-02-002, Maryland Carpet and Tile

Dear Mr. Batmanglich:

Per our recent conversation, two items are needed before this plan can return to the Mayor and City Council: a letter from the State Highway Administration agreeing to the size of the entrance off Maryland Route 355 and a recommendation from the City's Department of Public Works regarding the requested storm water management waiver. As soon as we receive these, we will place you on the Council's agenda.

At their meeting of June 5, 2002, the Planning Commission made several recommendations regarding further improvements to the plan. To assist you with those, we offer the following suggestions:

1. To improve the façade on the Duron side, consider moving the building three feet from the property line to permit real windows.
2. Sketch out an 18' drive aisle along the building for the Department of Public Works to review to determine if that would work well with the truck traffic to be generated by the business. This reduction, if workable, should help move the building over to upgrade the Duron side façade.
3. Staff has requested moving the building two more feet back from Route 355 to better accommodate the streetscape setback. Parking spaces can be reduced to 8.5 feet to assist with this.

This latter set of suggestions does not need to be in place for the Council's last review. I have also included a copy of the minutes from the Planning Commission meeting. Should you have further questions, please call me at 301-258-6330.

Yours truly,

*Patricia Patula*

Patricia Patula  
Planner

cc: Ali Asgari  
Paul Maerec  
Rafik Bazikian  
Jennifer Russel  
Ollie Mumpower  
Greg Ossont



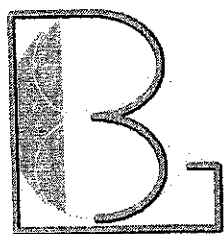
City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton

Copy to DPW 7-31-02



**BAZIKIAN**  
CONSULTANTS, LTD

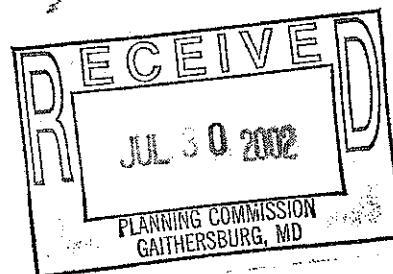
CIVIL, TRANSPORTATION,  
STRUCTURAL ENGINEERS

Phone: (301) 593-9755  
Fax: (301) 593-0059

E-Mail info@bazikian.com  
www.bazikian.com

July 30, 2002

Mrs. Patricia Patula  
City of Gaithersburg  
31 South Summit Ave.  
Gaithersburg, MD 20877-2098



Re: SDP-02-002, Maryland Carpet And Tile

Dear Mrs. Patula:

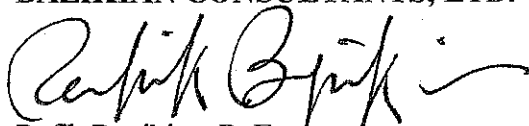
Following is response to your letter dated July 9, 2002.

- Mr. Greg Cook of SHA has responded us by confirming that the 20' drive is sufficient for two way access from 355 and the one way notation on their approval letter is not accurate, he is willing to discuss the matter if there are uncertainty, please let me know if you would like something in writing from him, this may take some time.
- Attached please find Bioretention facility computation and a preliminary detail drawing, also we are separately attaching the request for waiver for quantity control.
- The site plan has been revised to reflect the 3 foot separation from Duran paint and has been pushed back 2 foot away from MD 355 as requested. The way we were able to accomplish this was to reduce the parking isle widths to 8.5 feet and reduce the sidewalk width to 4 feet and move the driveway closer to the adjacent property line.
- We have included a drawing highlighting the limits of work on the alley, this may clearly define the limits of work on alley proposed by this project.

Please feel free to call if you need additional information.

Sincerely;

**BAZIKIAN CONSULTANTS, LTD.**

  
Rafik Bazikian, P. E.

701 Burnt Mills Court, Silver Spring, MD 20901







**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari

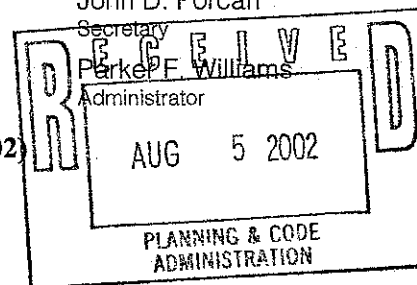
Secretary

Parker F. Williams

Administrator

April 25, 2002

(REVISED August 1, 2002)



Mr. Mark Depoe  
City of Gaithersburg  
Planning Department  
31 S. Summit Avenue  
Gaithersburg, MD 20877

Re: Montgomery County  
MD 355  
Maryland Tile  
File No. SDP-02-002

Dear Mr. Depoe:

This office reviewed the submitted plan and offer the following:

- Right-of-way dedication needs to be in accordance with the Master Plan of Highways.
- We have re-evaluated the existing entrance along MD 355 and find it acceptable for two-way traffic.
- The term "denied access" is to be placed on the final record plat along the property that abuts MD 355, except at the existing entrance.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief  
Engineering Access Permits  
Division

gc

cc: Mr. Charlie Watkins  
Mr. Raleigh Medley  
Bazikian Consultants, LTD.



My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



August 2, 2002

Mr. Rafik Bazikian  
Bazikian Consultants, LTD.  
701 Burnt Mills Court  
Silver Spring, MD 20901

Subject: Stormwater Management Concept Plan  
Maryland Carpet and Tile

Dear Mr. Bazikian:

I have started my review your stormwater concept plan for the above referenced site. I see that you have proposed a bioretention facility on the site to meet your water quality requirement. I do not see any soil investigation as required by the Stormwater Management Manual. The testing requirements are outline in appendix D-1 of the Manual. Please complete these test and submit them to this office as soon as possible so I can complete my review of your stormwater management concept plan.

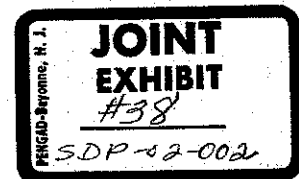
Since this site does not have a storm drain system on site or adjacent to the site you might want to consider infiltration methods for handling your stormwater requirements.

Once I have received the additional information I will proceed with my review. If you have any questions please feel free to contact me at 301-258-6370.

Sincerely,

  
Donald H Boswell

cc: Jim Arnoult  
Patricia Patula



City of Gaithersburg • 800 Rabbitt Road, Gaithersburg, Maryland 20878-1600  
301-258-6370 • FAX 301-258-6375 • TTY 301-258-6430 • publicworks@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

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John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton

Memorandum

August 12, 2002

To: Patricia Patula  
Department of Planning and Code Enforcement

From: Donald H Boswell  
Department of Public Works, Parks Maintenance and Engineering

Subject: Maryland Carpet and Tile

I have reviewed the stormwater management concept plan for the above referenced site and have the following comments.

1. The site does not require channel protection storage as the one year post development peak discharge is less than 2 cfs as required by the 2000 Maryland Stormwater Management Manual, therefore the water quantity waiver is approved.
2. The bioretention water quality structure shown on the concept plan will not work as there is no provision to get the water out of the bottom of the structure once it has filtered through the plant medium. The Design Manual requires a pipe system to release the clean water after it has moved through the planting medium in the structure. There is no storm drain system on the site or in the alley adjacent to the site, but there is a storm drain system on Md Route 355 which may provide a way to drain the bioretention structure.
3. The area where the bioretention structure is proposed could be used as an infiltration area if the soil is suitable. In order to determine if the soil is suitable, a soils investigation needs to be completed as outlined in the Design Manual. Mr. Rafik Bazikian, engineer, was notified on August 2, 2002 of the need for a soils investigation.
4. Once the soil investigation is completed the concept plan will need to be modified accordingly.




Approvals, processes, procedures and amendments to site plans shall be in accord with article V of this chapter 24 of the Code.  
(Ord. No. O-12-00, 8-7-00)

**Sec. 24-160G.7. Findings required.**

(a) The city council may approve CD zoning by local map amendment only upon finding that:

- (1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and
- (2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and
- (3) The application and schematic development plan will be internally mid externally compatible and harmonious with existing and planned land uses in the CD zoned areas and adjacent areas.
- (4) Compliance with standards for rezoning by local map amendment in Article 66B of the Maryland Code.

(b) The city council may approve a schematic development plan or concept plan only upon the finding that: 

- (1) The plan is substantially in accord with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the city council for the applicable corridor area.
- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and
- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and
- (5) The existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- (6) The development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (7) The plan, if approved, would be in the public interest.
- (8) The existing buildings with historic significance are considered for preservation and retention pursuant to the city's historic preservation ordinance.

